**Town of Canandaigua**

5440 Routes 5 & 20 West Canandaigua, NY 14424

Phone (585) 394-1120 Fax (585) 394-9476

**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

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| **Public Hearing Opened**: February 18, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020**Project**: CPN-20-003 |

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| **Applicant**Venezia Associates | **Owner**Alan & Elizabeth Lupton3459 Lakeview Lane | **Project Type**Area variance for hot tub/spa to be located in rear yard | **Project Location** 3459 Lakeview Lane | **Tax Map #**98.13-1-18.110 |

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| **Type of Application**  Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for placement of a hot tub/spa in the rear yard adjoining Canandaigua Lake, when such is not allowed. Shall an Area Variance be granted for placement of a hot tub/spa in rear yard adjoining Canandaigua Lake when such placement is not allowed? |
| **Applicant Request** Granted DeniedContinued to:  See attached resolution(s) |

**Voting**

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard  AYE  NAY  Abstained

David Emery  AYE  NAY  Abstained

Kelly LaVoie  AYE  NAY  Abstained

Chip Sahler (Vice Chair)  AYE  NAY  Abstained

Terence Robinson (Chair)  AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on January 10, 2020, January 13, 2020, January 17, 2020 and February 6, 2020. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar. The home will be placed further back from the lake than the current home is. The parcel is included in a “Forever Wild” common area parcel, that if included in the acreage of the property would not require a variance.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated January 10, 2020. Any change in plans, shall invalidate the variance.
2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chairperson of the Zoning Board of Appeals

**Town of Canandaigua**

5440 Routes 5 & 20 West Canandaigua, NY 14424

Phone (585) 394-1120 Fax (585) 394-9476

**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020**Project**: CPN-20-007 |

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| **Applicant**Venezia Associates | **Owner**J Summerhays et al | **Project Type**Area variance for creation of a parcel less than 20,000 sq. ft.  | **Project Location** 4691 & 4695 N Menteth Drive | **Tax Map #**140.11-1-14.000 & 140.11-1-15.000 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for creation of a parcel 14,771 sq. ft. when 20,000 sq. ft. is minimum. Shall the applicant be granted a 5,229 sq. ft. variance to create a lot that is 14,771 sq. ft. when 20,000 sq. ft. is the minimum? |
| **Applicant Request**  Granted Denied Continued to:  See attached resolution(s) |

**Voting**

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard  AYE  NAY  Abstained

David Emery  AYE  NAY  Abstained

Kelly LaVoie  AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair)  AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.
2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

 Chairperson of the Zoning Board of Appeals

**Town of Canandaigua**

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-011 |

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| **Applicant**Marks Engineering | **Owner**BTY Holdings, LLC | **Project Type**Area variance for front setback | **Project Location** 0000 County Road 10 | **Tax Map #**84.00-1-17.120 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for 61.34 ft. front setback when 75 ft. is minimum setback. Shall the applicant be granted a 13.66 ft. area variance for a 61.34 ft. setback when 75 ft. is minimum? |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chairperson of the Zoning Board of Appeals

**Town of Canandaigua**

5440 Routes 5 & 20 West Canandaigua, NY 14424

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

|  |  |
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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-014 |

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| **Applicant**Marks Engineering | **Owner**Mark Laese | **Project Type**Area variance for right side setback | **Project Location** 3516 Sandy Beach Drive | **Tax Map #**98.15-1-43.100 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for 3.94 ft. right side setback when 10 ft. is minimum setback for accessory structures. Shall the applicant be granted a 6.06 ft ft. area variance for a 3.94 ft. setback when 10 ft. is minimum setback for accessory structures? |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

|  |  |
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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-014 |

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| **Applicant**Marks Engineering | **Owner**Mark Laese | **Project Type**Area variance for left side setback | **Project Location** 3516 Sandy Beach Drive | **Tax Map #**98.15-1-43.100 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for 3.68 ft. left side setback when 10 ft. is minimum setback. Shall the applicant be granted a 6.32 ft. area variance for a 3.94 ft. setback when 10 ft. is minimum for accessory structures? |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-014 |

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| **Applicant**Marks Engineering | **Owner**Mark Laese | **Project Type**Area variance for rear (lake) setback | **Project Location** 3516 Sandy Beach Drive | **Tax Map #**98.15-1-43.100 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for 4.62 ft. rear (lake) setback when no structure shall be built within 25 ft. of the Mean High Watermark of Canandaigua Lake. Shall the applicant be granted a 20.38 ft. area variance for a 4.62 ft. setback when no structure shall be built witin 25 ft. of the Mean High Watermark of Canandaigua Lake? |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

|  |  |
| --- | --- |
| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-014 |

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| **Applicant**Marks Engineering | **Owner**Mark Laese | **Project Type**Area variance for right side setback | **Project Location** 3516 Sandy Beach Drive | **Tax Map #**98.15-1-43.100 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for 3.94 ft. right side setback when 10 ft. is minimum setback for principal structures. Shall the applicant be granted a 6.06 ft. area variance for a 3.94 ft. setback when 10 ft. is minimum setback for principal structures? |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Town of Canandaigua**

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**ZONING BOARD OF APPEALS DECISION NOTIFICATION**

|  |  |
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| **Public Hearing Opened**: April 21, 2020**Public Hearing Closed**:  | **Meeting Date**: April 21, 2020, **Project**: CPN-20-016 |

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| **Applicant**The DiMarco Group | **Owner**CGA CR10, LLC | **Project Type**Area variance for reduction in internal setbacks for roadways, parking & driveways | **Project Location** 0000 county Road 10 | **Tax Map #**84.00-1-4.200 |

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| **Type of Application** Area Variance  Use Variance Interpretation  Rehearing  | **SEQR** Type I Type II Unlisted See Attached Resolution(s)Neg Dec Date: Pos Dec Date:  |
| **Variance/Interpretation Requested**Applicant is requesting an Area Variance for reduction in internal setbacks for roadways, parking and driveways from the required 15 ft. :Building 15 proposed setback: 12.2 ft. (2.8 ft. variance)Building 16 proposed setback: 12.2 ft. (2.8 ft. variance)Building 17 proposed setback: 10.9 ft. (4.1 ft. variance)Building 18 proposed setback: 10.9 ft. (4.1 ft. variance)Building 19 proposed setback: 6.7 ft. (8.3 ft. variance)Building 20 proposed setback: 7.3 ft. (7.7 ft. variance)Building 21 proposed setback: 7.4 ft. (7.6 ft. variance)Building 22 proposed setback: 8.3 ft. (6.7 ft. variance)Building 23 proposed setback: 7.5 ft. (7.5 ft. variance)Building 24 proposed setback: 7.5 ft. (7.5 ft. variance) |
| **Applicant Request**Granted Denied Continued to:  See attached resolution(s) |

**Voting**:

John Casey (Alternate)  AYE  NAY  Abstained

Bob Hilliard AYE  NAY  Abstained

David Emery AYE  NAY  Abstained

Kelly LaVoie AYE  NAY  Abstained

Chip Sahler (Vice Chair) AYE  NAY  Abstained

Terence Robinson (Chair) AYE  NAY  Abstained

**Reasons**

The Board’s decision is based on facts presented during the Public Hearing at the March 17, 2020, meeting as well as information received on. The Board has considered the unique character of the lot. The application will not have an adverse effect on the neighborhood. Neighboring parcels are similar.

**Conditions**

1. The variance granted is specific to the plan presented to the Zoning Board of Appeals dated. Any change in plans, shall invalidate the variance.

2. The variance is conditioned on building permits being issued within one (1) year of the date the variance is granted.  Failure to obtain building permits within one (1) year shall invalidate the variance.

Certified By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_